

ED

Notice of Allowability

Application No.

10/057,850

Examiner

Carolyn T. Blake

Applicant(s)

SCHULZ, WILLIAM J.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and remarks filed on June 8, 2007.
2. ☒ The allowed claim(s) is/are 1-4,6-9,11-17,19,22 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Marshall Brown (Reg. No. 44,566) on July 3, 2007.

The application has been amended as follows:

- Claim 2: In line 2, after the word "bottom" and before the word "having," the word - -flange- - was inserted.
- Claim 7: In line 2, the phrase "the bottom flange" was changed to - - a bottom flange- -.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: The claims are allowable because the prior art fails to teach a paper trimmer comprising a plate with a slot having a first width and a second width, the first width being larger than the second width; a carrier including first and second cylindrical portions; and the plate including arcuate portions corresponding to the cylindrical portions as set forth in claims 1 and 17.

Regarding claims 1 and 17, Johnson et al (3,385,149) disclose a trimmer capable of cutting paper substantially as claimed, including: a base (13) including a support surface and a cutting region having a channel (29); a plate (23)

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pivotaly attached to the base and including an upper surface, a lower surface, a first end, a second end, and a slot (49) extending through the plate along a longitudinal axis of the plate intermediate the first and second ends; a carrier (25) being slidably received in the slot, the carrier including a first cylindrical portion (89) and second cylindrical portion (89) on opposite sides of the slot; the plate including an arcuate portion (87) on each side of the slot corresponding to the cylindrical portion of the carrier such that the carrier travels along the plate via the interaction of the cylindrical portions with the arcuate portions; and a blade (79) attached to the carrier, wherein a portion of the blade extends below the lower surface of the plate within the channel when the plate is disposed over the cutting region. Johnson et al fail to disclose the slot has a first width and a second width, the first width being larger than the second width, and the carrier sized to be removed from the slot when positioned adjacent the first width and impeded from being removed when positioned adjacent the second width as set forth in claims 1 and 17.

Regarding claims 1 and 17, Cornell et al (5,802,942) disclose a trimmer capable of cutting paper substantially as claimed, including: a base (12) including a support surface (34) and a cutting region (30) having a channel (32); a plate (14) pivotaly attached to the base and including an upper surface, a lower surface, a first end, a second end, and a slot (60) extending through the plate along a longitudinal axis of the plate intermediate the first and second ends; a carrier (18) being slidably received in the slot; and a blade (100) attached to the

carrier, wherein a portion of the blade extends below the lower surface of the plate within the channel when the plate is disposed over the cutting region.

Cornell et al fail to disclose the slot has a first width and a second width, the first width being larger than the second width, and the carrier sized to be removed from the slot when positioned adjacent the first width and impeded from being removed when positioned adjacent the second width. However, Traver et al teaches a film severing device comprising a plate (20) pivotally attached to a base (18), the plate having a slot (40, 41) with a first width (e.g. at 58) at a first portion and a second width (e.g. at 40 in Fig. 1) at a second portion, and a carrier (46) slidably received in the slot so as to be removed from the slot in a direction away from the lower surface of the plate. Note column 2, lines 5-15. Traver et al's teachings suggest that the slot with the width difference allows for ease of removal of the carrier whenever it is desirous to so perform. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Cornell et al with the first and second widths and the removable carrier functionality, as taught and suggested by Traver et al, in order to facilitate easy removal of the carrier and blade for storage, replacement, and other handling needs.

Still, the modified invention of Cornell et al fails to teach the carrier includes a first cylindrical portion and a second cylindrical portion on opposite sides of the slot, and the plate including an arcuate portion on each side of the slot corresponding to the cylindrical portions of the carrier such that the carrier

travels along the plate via the interaction of the cylindrical portion with the arcuate portions as set forth in claims 1 and 17.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusions

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Thursday, 7:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

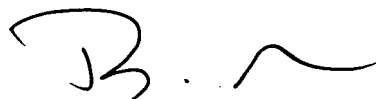
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

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July 3, 2007



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER